

**THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

THOMAS ARMSTRONG, et al.,	)	
	)	
Plaintiffs,	)	Case No. 07-C-6916
	)	
v.	)	Hon. Ronald A. Guzman
	)	Magistrate Judge Sidney I. Schenkier
Interactive Brokers, LLC,	)	
	)	
Defendant.	)	

**PLAINTIFFS' AGREED MOTION FOR LEAVE TO  
FILE AMENDED COMPLAINT WITH VARIOUS CORRECTIONS *INSTANTER***

The Plaintiffs hereby move the Court to enter an order granting them leave to file their Amended Complaint, which corrects various allegations made in their Amended Complaint ("Plaintiffs' Amended Complaint (Corrected Version)"), *instante*, and to extend the time for the Defendants to file its motion to dismiss it and for briefing of said motion. In support of their motion, the Plaintiffs state as follows:

1. One hundred and twenty-eight (128) Plaintiffs are prosecuting this action against Defendant, Interactive Brokers LLC. Plaintiffs reside in various locations in Canada, Europe, and the United States.
2. The Plaintiff filed their Amended Complaint on July 17, 2008.
3. After they filed their Amended Complaint, Plaintiffs' counsel discovered various factual errors alleged in it, which have no bearing on the legal theories upon which their Amended Complaint is based. These errors involve the cities where certain Plaintiffs reside, the marital status of several Plaintiffs who maintained joint accounts for the investments they made, which are the subject of this case, and the specific amounts they invested. *See*: (a) errors regarding place of residence: ¶¶ 9 (40), 39, 40, 41; (b) errors regarding marital status of joint account holders: ¶¶ 9 (65), 51 (9), 51 (54); (c) errors regarding persons identified in paragraph: ¶¶ 51 (80), 51 (94); and (d) errors regarding amounts

invested: ¶¶ 51 (49), 51 (81), of Plaintiffs' proposed Amended Complaint (Corrected Version), a copy of which is attached hereto.

4. During a status hearing on July 23, 2008, Defendant's counsel advised the Court that the Defendant intended to file a motion to dismiss Plaintiffs' Amended Complaint.

5. Plaintiffs' counsel notified Defendant's counsel on September 11, 2008, that Plaintiffs intended to file a motion for leave to file Plaintiffs' Amended Complaint (Corrected Version). Plaintiffs' counsel provided Defendant's counsel with a copy of Plaintiffs' proposed Amended Complaint (Corrected Version) on the afternoon of September 12, 2008, along with a draft of this motion.

6. Plaintiffs' counsel asked Defendant's counsel whether he could represent to the Court that the Defendant agreed to Plaintiffs' motion. Defendant's counsel indicated that he had no objections to it, but that he would like the Court to modify the schedule for filing Defendant's motion to dismiss, and for briefing it. The parties agreed that the proposed modification to said schedule would not affect the discovery schedule the Court entered for this matter.

7. Defendant's motion to dismiss is currently due on September 19, 2008, Plaintiffs' response is due on October 24, 2008, and Defendant's reply is due on November 7, 2008.

8. Defendant requests that the due date for filing its motion to dismiss be extended until October 3, 2008, and that the date for filing Plaintiff's response be extended until November 10, 2008, and that the date for filing Defendant's reply be extended until November 24, 2008.

9. The Defendant needs until October 3, 2008 to file its motion to dismiss to determine whether the corrections made in Plaintiffs' Amended Complaint (Corrected Version) will not affect the matters the Defendant would address in its motion to dismiss, and the Plaintiffs need until November 10, 2008 to file their response because their counsel represents a client in another matter pending before the

Business Conduct Committee (“BCC”) at the National Futures Association (“NFA”), which is scheduled to be heard during the period of October 27-31, 2008 and November 10-14, 2008, in *In re Universal Commodity Corp., et. al.*, NFA Case No. 07-BCC-047 (the “NFA BCC Matter”), and Plaintiffs’ counsel will be immersed in preparation for it and the hearing itself throughout the period of October 3, 2008 through November 10, 2008, but he believes that he will be able to represent his client in the NFA BCC Matter effectively and prepare Plaintiffs’ response to Defendant’s motion to dismiss on or before November 10, 2008.

10. Importantly, the parties do not seek any modification of the discovery plan set by this Court on July 23, 2008. Therefore, that discovery plan will not be modified as a result of this motion.

#### CONCLUSION

For the foregoing reasons, Plaintiffs hereby move the Court to enter an order granting them leave to file their attached Amended Complaint (Corrected Version), *instanter*, and allowing the Defendant until October 3, 2008 to file its motion to dismiss with a supporting memorandum of law, the Plaintiffs until November 10, 2008 to file their reply, and the Defendant until November 24, 2008 to file its reply.

Plaintiffs,

By: 

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